

Professional societies seeking legislative sanction for federal agencies to continue selecting designers on the basis of qualifications and not price ran into heavy opposition at a congressional hearing last week.

Rep. Jack Brooks (D-Tex.), who heads a House subcommittee on government activities, is the bill's author. "The purpose of the legislation is to place in statutory form the traditional approach utilized by the government that is aimed at providing the highest quality service at fair and reasonable prices," he explained.

Under H.R. 12807, A-Es would be ranked according to their proven ability to perform particular design work. Negotiations with the first ranking architect or engineer would follow, and a contract would be awarded if a fair and reasonable fee can be agreed upon.

The principal obstacle to the bill is Rep. Chet Holifield (D-Calif.), chairman of the House Government Operations Committee, who has maintained from the outset of congressional hearings that he is against it, at least until the federal Commission on Government Procurement reports its findings on Dec. 31 (ENR 2/10 p. 10).

Holifield insisted that the Department of Justice, which declined an invitation to attend the hearings, be re-invited to tell the subcommittee about its antitrust investigations into society canons of ethics that prohibit A-Es from competing on the basis of price.

Representing five professional societies and the American Road Builders' Association, which favor the bill, Nat P. Turner, president-elect of the Consulting Engineers Council, warned the subcommittee not to be misled about the feelings of designers toward price competition. He advocated plans to increase advertising of available federal work to promote competition.

Supporting the bill were:

- George M. White, Architect of the Capitol.

- Arthur F. Sampson, commissioner of the Public Buildings Service of the General Services Administration. "If we were to procure architectural-engineering services as we do paper clips or ballpoint pens, through advertising and awarding of contracts to the lowest bidder, we should surely invite a downgrading of architectural standards in government buildings to the lowest level," he said.

Joining in opposing the bill were:



Chet Holifield

DOJ antitrust investigations?



Jack Brooks

Highest quality A-E services.

- Elmer B. Staats, comptroller general and head of the General Accounting Office, who presented statistics indicating that the first ranked architect or engineer ordinarily is selected without regard to proposals of other A-Es.

- Rep. Bob Eckhardt (D-Tex.), who said small A-E firms that may have innovative ideas are effectively frozen out of competition since they can't show a record of proven performance. "Cost should be in the formula," he said.

House pegs clean up cost at \$24.6 billion

The House Public Works Committee has joined the Senate in attempting to legislate water pollution out of existence.

Last week, the committee reported out a bill that calls for spending \$24.6 billion on a comprehensive plan aimed at the total elimination of water pollution. Sponsors of the bill say that if the zero-discharge goal is possible, the legislation that the committee approved will do the job.

Committee chairman John Blatnik (D-Minn.) hopes for quick action and plans to seek authority from the rules committee this week to call for a vote of the full House early next week.

That wouldn't be the end of the bill, however. The Senate version differs in a number of ways and it may take months for a House-Senate conference committee to resolve them. Since the Senate vote was 84-0, the Senate conferees are not likely to back away from the original Senate measure. A heavily favorable vote by the House, on a modified measure, could result in a stalemate that could slow action.

The bill's House and Senate versions vary substantially in some areas. First, the House proposes spending about \$4.6 billion more than the Senate. This is largely accounted for by the \$18.4 billion in federal grants for municipal waste treatment plants. The Senate's authorization was \$14 billion.

Secondly, the House bill calls the goal of no discharge a "national goal"

rather than a "national policy" as in the Senate bill. Presumably, goal is a less rigid term than policy.

Another provision in the House bill calls on the National Academy of Sciences to conduct a study of the environmental, technological, economical and social effects resulting from meeting the goal. Not until after the two-year study is completed and evaluated by Congress would the House's heavy authorizations go into complete effect.

Other areas where the versions differ:

- The House bill would authorize 75% construction grants while the Senate sets a ceiling of 70%.

- The House makes sewage collection facilities in existing communities eligible for grants when they are an integral part of the waste treatment process. The Senate makes no provisions for collection systems.

- The House bill abolishes the Corps of Engineers' responsibility for permit discharge issuance under the 1899 Act and gives the Environmental Protection Agency (EPA) authority to set guidelines for the states. The House version would shift the primary responsibility for issuing permits to the states. The Senate does not abolish the 1899 Act and continues EPA's permit by permit veto power.

- The House sets a special permit procedure for dredging and drilling navigable waters, territorial seas and offshore locations. The Senate version does not.